

16 September 2019**Agenda Item: 7****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****REQUEST TO CONSULT ON THE COUNCIL'S CHILDREN MISSING
EDUCATION STRATEGY AND ELECTIVE HOME EDUCATION POLICY****Purpose of the Report**

1. This report seeks Committee approval to consult on a revised Children Missing Education (CME) Strategy and a communication strategy to inform stakeholders about the consultation.
2. The report also seeks Committee approval to consult on a revised Elective Home Education (EHE) Policy and a communication strategy to inform stakeholders about the consultation.
3. The outcomes of both consultations will then be brought back to the Committee in due course.

Information

4. Local authorities have a duty under section 436A of the Education Act 1996 to make arrangements to establish the identities of children in their area who are not registered pupils at a school and are not receiving suitable education otherwise. This duty only relates to children of compulsory school age (5 – 16 years). Local authorities are expected to have robust policies and procedures in place to enable them to meet their duty in relation to these children, including ensuring that there are effective tracking and enquiry systems in place, and a named person to whom schools and other agencies can make referrals about children who are missing education. Nottinghamshire County Council's Children Missing Officer supports in cases where Children and Young People's whereabouts are unknown; the Fair Access process and Pupil Missing Education Officer focusses on CYP whose whereabouts are known and who are known to be missing education.
5. The CME process focuses on known children and young people who are not accessing their full educational entitlement as a result of failing to secure a school place, facing permanent exclusion from school, refusing or being prevented from attending their school place, on a school roll but accessing less than their full educational entitlement, those unable to access full time education due to their mental or physical health needs, those who

are in unsuitable elective home education, as well as any child or young person known to other local authority services without a school place or refusing to attend school.

6. The Council's CME Strategy needs to be revised to reflect the publication of DfE updated statutory guidance Children Missing Education: Statutory Guidance for Local Authorities September 2016, The Timpson Review of School Exclusion, published May 2019, and the DfE Alternative Provision Market Analysis Research Report, published October 2018.
7. Parents have the right under Section 7 of the Education Act 1996 to take the decision to educate their children at home; this is known as elective home education and is distinct from home tuition that may be provided by a school, academy or the Local Authority if a pupil has health related needs. The Council's EHE Policy needs revising to reflect the publication of DfE updated non-statutory guidance Elective home education; Departmental guidance for local authorities, April 2019 and Elective home education: Departmental guidance for parents, April 2019.
8. It is proposed that formal consultation on a revised CME Strategy and a revised EHE Policy will run concurrently from 16 October - 20 November 2019.
9. To ensure that all stakeholders are informed and have the opportunity to respond to the consultation, it is proposed that a poster advising of the consultation and a summary of the consultation will be sent electronically to those listed below:
 - Known Early Years providers – including children centres
 - All schools in Nottinghamshire
 - Chairs of governors of schools clerked by the Council
 - County Councillors
 - Borough/District Councillors
 - Parish Councils
 - Dioceses
 - MPs
 - Neighbouring Local Authorities
 - Internal services - including
 - Elective Home Education
 - School Admissions
 - Integrated Children's Disability service (ICDS)
 - Place Planning
 - School Improvement.
10. There will also be publicity via social media and the Council's intranet and information regarding the consultation will be shared with school leaders at Fair Access Locality Panel meetings.
11. In addition, it is proposed that informal consultation with parents delivering EHE takes place in respect of a revised EHE Policy in the form of information sessions to be held at three locations across Nottinghamshire prior to the formal consultation opening. These sessions will be publicised by email to all known parents delivering EHE and EHE support groups, with an opportunity to give views by email for those unable to attend in person.

Other Options Considered

12. The County Council remains statutorily responsible for ensuring that all children and young people in Nottinghamshire of statutory school age access full-time education. Pending public consultation and agreement of an updated strategy the CME Strategy initially endorsed by the Children and Young People's Committee on 23 April 2014 and approved by Policy Committee on 7 May 2014 continues to be implemented to ensure that every school aged child is placed on a school roll, with the exception of those who are electively home educated. No other options have been considered.
13. Current Nottinghamshire EHE Policy was last updated in September 2015 and is informed by previous DfE guidance. Pending public consultation and agreement of an updated policy the existing EHE Policy continues to be implemented. No other options have been considered.

Reason/s for Recommendation/s

14. Members will wish to be assured that the Council's statutory duty to provide full-time education for all children and young people of statutory school age is being fulfilled.
15. To ensure that Nottinghamshire's CME Strategy and EHE Policy are fit for purpose and reference the most recent DfE guidance.
16. The proposed communication strategies are cost effective.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

18. There is the potential for a minimal cost to be incurred through the running of three informal consultation events with EHE parents if it is necessary to source an external venue. Council premises will be utilised where possible. This cost will be met from the EHE budget.
19. Electronic communication will be used so there will be no postage costs incurred.

RECOMMENDATION/S

That Committee:

- 1) agrees to formally consult with educational partners and other stakeholders on a revised Children Missing Education Strategy and approve the proposed communication strategy, the outcomes of which will be brought back to the Committee in due course.

- 2) agrees to formally consult with stakeholders on a revised Elective Home Education Policy and approve the proposed communication strategy, the outcomes of which will be brought back to the Committee in due course.

Marion Clay
Service Director, Education, Learning and Skills

For any enquiries about this report please contact:

Sarah Whitby
Temporary Team Manager Fair Access
T: 01159773946
E: sarah.whitby@nottsccl.gov.uk

Constitutional Comments (EP 29/08/19)

20. The Children and Young People's Committee is the appropriate body to consider the content of the report.

Financial Comments (SAS 05/09/19)

21. The CME consultation and its publicity will be via electronic communication so there will be no additional costs incurred. The EHE consultation may incur an additional cost for venue hire which is expected to be minimal.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Children Missing Education: Report to Children and Young People's Committee 14 January 2019

Children Missing Education: Statutory Guidance for Local Authorities September 2016
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf

The Timpson Review of School Exclusion May 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf

DFE Alternative Provision Market Analysis Research Report October 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752548/Alternative_Provision_Market_Analysis.pdf

Elective home education; Departmental guidance for local authorities, April 2019
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791527/Elective_home_education_guidance_for_LAv2.0.pdf

Elective home education: Departmental guidance for parents, April 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791528/EHE_guidance_for_parentsafterconsultationv2.2.pdf

Electoral Division(s) and Member(s) Affected

All.

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